

## **REMARKS**

### **Amendments to the Claims**

Applicants have amended the claims by adding new claim 20. Claim 20 is dependent upon claim 2, and reads upon methods of selecting agents potentially useful for the treatment of Alzheimer's disease that modulate the interaction of focal adhesion kinase 2 (FAK2) with either FAK2, ATP-binding cassette transporter, sub-family C, member 8, or delta-catenin. Applicants submit that the addition of this new claim, does not add new matter to the application, and request examination of this new claim in accordance with the comments below.

### **Response to Restriction Requirement**

Responsive to the Restriction Requirement mailed December 20, 2005, Applicants provisionally elect, with traverse, Claim Group I (claims 1-5), drawn to methods of selecting agents potentially useful for the treatment of Alzheimer's disease that alter a biological activity of FAK2. Applicants assert that new claim 20 falls within this same Claim Group, and respectfully request that it be examined along with claims 1 through 5.

Traversal of the outstanding Restriction Requirement is made on the grounds that all 19 original claims, plus new claim 20, all pertain to, or make use of, a biological activity of the same protein; namely, FAK2. Specifically, Claim Group I reads upon methods of selecting agents that alter a biological activity of FAK2; Claim Groups II and III read upon methods of treating Alzheimer's disease or lowering of  $A\beta_{42}$  levels in an individual in need of such treatment by inhibiting FAK2; Claim Group IV involves methods of diagnosis or prognosis that involve determining the level or activity of FAK2 in an individual; Claim Group V pertains to a protein complex formed by the interaction of FAK2 with a second protein; and Claim Group VI reads upon a method of selecting therapeutic agents that modulate the FAK2 containing protein complex of Claim Group

V. Since all 19 original claims in all 6 Claim Groups, and new claim 20 pertain to, or make use of, a biological activity of FAK2, all relevant and potentially material art can be revealed through searches that focus on this shared aspect of the claimed subject matter. Consequently, searching and examining ALL of the claims together present no serious burden to the Examiner.

Applicants respectfully remind the Examiner that MPEP §803 **REQUIRES**:

“If the search and examination of the all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, even though they include claims to independent or distinct inventions.”

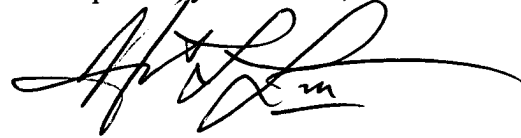
See MPEP, Original 8<sup>th</sup> Edition, Rev. 3, August 2005, page 800-4 (emphasis added).

Finally, it is believed that, upon entry of claim 20 by the Examiner, all 20 of the pending claims will be found to be patentable, particularly in view of the recent Board of Patent Appeals and Interference decisions related to similar patent claims, and in further view of the recent Court of Appeals for the Federal Circuit ruling in *Invitrogen Corporation v. Clontech Laboratories, Inc.* (See e.g., *Ex parte Sun*, No. 2003-1993 (Bd. Pat. App. Int. Jan. 20, 2004); *Ex parte Meyers*, No. 2003-1820 (Bd. Pat. App. Int. Aug. 31, 2004); *Ex parte Vogelstein*, No. 2002-0779 (Bd. Pat. App. Int. Dec. 30, 2002); and *Invitrogen Corporation v. Clontech Laboratories, Inc.*, 429 F.3d 1052 (Fed. Cir. 2005).) Therefore, early examination of the claims on the merits, and prompt issuance of a notice of allowance, is respectfully requested.

Since this Response is being filed within one month of the mailing of the outstanding Restriction Requirement, is believed that no extensions of time, or additional fees, are required for entry of this Response into the record. If this is incorrect, an extension of time as deemed necessary is hereby requested, and the Commissioner is hereby authorized to charge any appropriate fees, or to credit any overpayments, to Deposit Account no. 50-1627.

Application No. 10/776,013  
Resp. to Restr. Req. dated January 20, 2006  
Reply to Office Action of December 20, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Herbert L. Ley III', with a long horizontal flourish extending to the right.

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